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In re Application of:
COSFORD, Nicholas, David, Peter, et al. :
U.S. Application No.: 10/532,634 :
PCT No.: PCT/US2003/033613 :
International Filing Date: 24 October 2003 :
Priority Date: 24 October 2002 :
Atty Docket No.: MS0013YP :
For: ALKYNE DERIVATIVES AS :
TRACERS FOR METABOTROPIC :
GLUTAMATE RECEPTOR :
BINDING :

DECISION ON RENEWED
PETITION
(37 CFR 1.181)

This decision is issued in response to the "Renewed Petition Under 37 CFR 1.181" filed 19 October 2006. No petition fee is required.

BACKGROUND

The procedural background for this application is set forth in detail in the decision mailed herein on 31 August 2006. That decision dismissed applicants' petition to confirm the previous filing of a fully executed declaration for failure to satisfy all the requirements of a grantable petition. The decision also noted that the application file did not include evidence confirming that Celine BONNEFOUS, Matthew P. BRAUN, Dennis C. DEAN, Joseph Paul SIMEONE, and Donald BURNS were proper inventors of record herein.¹

On 19 October 2006, applicants filed the "Renewed Petition Under 37 CFR 1.181" considered herein.

DISCUSSION

1. Proper Inventors Of Record:

Copies of five PCT/IB/306 forms issued by the International Bureau (IB) accompany the renewed petition. These forms confirm that Celine BONNEFOUS, Matthew P. BRAUN, Dennis C. DEAN, Joseph Paul SIMEONE, and Donald BURNS were added as applicant/inventors of record for the present application during the international phase. Accordingly, these inventors are properly listed on the declaration filed herein.

¹ These inventors were included on the partially executed declarations contained in the application file, but they were not listed on the published international application.

2. Renewed Petition Under 37 CFR 1.181:

The renewed petition includes copies of three five-page declarations. Each of these declarations names all eleven inventors of record, and each inventor has signed one of the declarations. The renewed petition also includes a copy of a return postcard that itemizes these three declarations and bears a USPTO receipt stamp dated 25 April 2005. Applicants state that the copies of the declarations enclosed are true copies of those originally filed on 25 April 2005.

Based on applicants' statements, and the return postcard bearing the USPTO receipt stamp, it is concluded that the three declarations accompanying the present petition were originally filed herein on 24 April 2005.²

The Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 14 November 2005, based as it was on applicants' purported failure to previously file a fully executed declaration, is appropriately vacated.

CONCLUSION

The renewed petition under 37 CFR 1.181 to confirm the 25 April 2005 filing of a fully executed declaration is **GRANTED**.

The three five-page declarations accompanying the renewed petition will be treated as having been filed on 25 April 2005.

Based on the PCT/IB/306 forms included with the renewed petition, Celine BONNEFOUS, Matthew P. BRAUN, Dennis C. DEAN, Joseph Paul SIMEONE, and Donald BURNS are accepted as additional inventors of record herein.

The Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 14 November 2005 is hereby **VACATED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 25 April 2005.



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² Only two of the originally filed declarations, each executed by only one of the inventors, are present in the application file.